

Notice of Allowability

Application No.

10/072,634

Examiner

Channing S Mahatan

Applicant(s)

STEITZ ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05 November 2004.
2. ☒ The allowed claim(s) is/are 33,36,37,39,40,45-52,56-62 and 107-110.
3. ☒ The drawings filed on 02/08/02 & 05/02/02 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06 December 2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 06 January 2005.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

APPLICANTS' RESPONSE/TERMINAL DISCLAIMER

Applicants' response filed 05 November 2004, wherein the accompanying 'Terminal Disclaimer' has been approved, has overcome all grounds of rejection.

INFORMATION DISCLOSURE STATEMENT

The information disclosure statement filed 06 December 2004 has been fully considered.

EXAMINER'S AMENDMENT

The following amendments were discussed with and approved by Applicants' Representative, Duncan A. Greenhalgh (Interview Summary on 06 January 2005). To overcome any structural claim informalities and to expedite the instant invention to allowance please perform the following amendment:

44. (Canceled)

45. (Currently amended) The method of claim ~~[[44]]~~33, wherein the ~~active-site~~ one or more target regions comprises at least a portion of a peptidyl transferase site.

46. (Currently amended) The method of claims ~~[[44]]~~45, wherein the peptidyl transferase site is defined by a plurality of residues set forth in Table 5A or Table 5B.

49. (Currently amended) The method of claim 33 ~~or 47~~, wherein the one or more target regions comprises at least a portion of a P-site.

51. (Currently amended) The method of claim 33 ~~or 47~~, wherein the one or more target regions comprises at least a portion of a polypeptide exit tunnel.

53-54. (Canceled)

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108. (New) The method of claim 47, wherein the one or more target regions further comprises at least a portion of a P-site.

109. (New) The method of claim 47, wherein the one or more target regions further comprises at least a portion of a polypeptide exit tunnel.

110. (New) The method of claim 108, wherein the one or more target regions further comprises at least a portion of a polypeptide exit tunnel.

Support for claim 108 can be found, for example, in claim 49. Support for claim 109 can be found, for example, in claim 51. Support for claim 110 can be found, for example, in claim 53.

REASONS FOR ALLOWANCE

The following is an Examiner's statement of reasons for allowance:

The filing of the 'Terminal Disclaimer', 'Supplemental Amendment' (05 November 2004), and the above 'Examiner's Amendment' has overcome all grounds of rejection in the 'Non-Final Office Action', mailed 25 February 2004. No other grounds for rejection are present. Therefore, claims 33, 36, 37, 39, 40, 45-52, 56-62, and 107-110 are deemed allowable. No pending United States applications have been identified with claims directed to the same invention as claimed herein.

Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

EXAMINER INFORMATION

Papers related to this application may be submitted to Technical Center 1600 by facsimile transmission. Papers should be faxed to Technical Center 1600 via the PTO Fax Center located

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in Crystal Mall 1. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993) (See 37 C.F.R. § 1.6(d)). The CM1 Fax Center number is either 571-273-8300.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Channing S. Mahatan whose telephone number is (571) 272-0717. The Examiner can normally be reached on M-F (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward, Ph.D., can be reached on (571) 272-0722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify Applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables Applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Examiner Initials: *CSM*

Date:

January 6, 2005

Marianne P. Allen
MARIANNE P. ALLEN
PRIMARY EXAMINER
1/7/05
AU 1631